

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THOMAS WHITEHILL,

Plaintiff,

vs.

ASTRAZENECA PHARMACEUTICALS
LP,

Defendant.

Case No. 4:23-cv-1030-MTS

MEMORANDUM AND ORDER


Defendant AstraZeneca Pharmaceuticals LP’s briefing in support of its Motion to Dismiss, Doc. [13], relied on *Kiel v. Mayo Clinic Health System Southeast Minnesota*, 685 F. Supp. 3d 770 (D. Minn. 2023). *See, e.g.*, Doc. [25] at 10 (arguing Plaintiff’s case “is no different than” the plaintiff’s case in *Kiel*, which that court dismissed). Defendant, however, did not inform the Court that an appeal had been docketed in that case. Last week, the U.S. Court of Appeals for the Eighth Circuit reversed the judgment in *Kiel* and remanded the case for further proceedings. *See Ringhofer v. Mayo Clinic, Ambulance*, 23-2994, 2024 WL 2498263 (8th Cir. May 24, 2024). Defendant has yet to inform the Court of that reversal. Because Defendant has represented that this action is no different than *Kiel*, the Court will deny Defendant’s Motion to Dismiss.

Accordingly,

IT IS HEREBY ORDERED that Defendant’s Motion to Dismiss, Doc. [13], is **DENIED without prejudice**.

IT IS FURTHER ORDERED that Defendant shall have through **Friday, June 14, 2024**, to file its answer or otherwise respond to Plaintiff Thomas Whitehill's Complaint, Doc. [6].

Dated this 30th of May 2024.



MATTHEW T. SCHELP
UNITED STATES DISTRICT JUDGE